



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

FEB 07 2001

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for a Time-Critical Removal Action at the Bowers Battery Site, New Philadelphia, Tuscarawas County, Ohio (Site ID #B5S9)

FROM: Joseph J. Fredle, On-Scene Coordinator
Emergency Response Branch - Section 1 *Joe Fredle for JF*

TO: William E. Muno, Director
Superfund Division

THRU: Richard Karl, Chief *R. Karl*
Emergency Response Branch

EPA Region 5 Records Ctr.



253028

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to \$1,451,600 to abate an imminent and substantial threat to public health and welfare and to the environment at the Bowers Battery Site located in New Philadelphia, Tuscarawas County, Ohio. High concentrations of lead are present in surficial and buried soil. These contaminants present a direct contact threat to human populations accessing the area.

This time-critical removal action will include excavation and off-site disposal of waste and heavily-contaminated soils that pose a threat to human health and the environment and that pose a direct contact threat. Other on-site removal activities will include assessment of nearby areas to insure that other burial areas are not present and to confirm that the contaminants have not migrated off site. These actions will require an estimated 70 on-site working days to complete. It is believed that these actions will mitigate direct contact threats, as well as threats of contaminant migration, to local surface water and groundwater.

This Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID#: OHN 000 508 118

The Bowers Battery Site is located in New Philadelphia, Tuscarawas County, Ohio, 44663. The Site consists of numerous properties to the northeast of the intersection of Park Avenue and 5th Street N.W. The addresses involved are 437-453 Park Avenue N.W. (The former Bower Battery address), 467 Park Avenue N.W., 463 5th Street N.W. and 467 5th Street N.W. Further investigation will need to be done to determine if other adjacent properties are also affected.

According to a Region V Environmental Justice (EJ) analysis, the area surrounding the Bowers Battery Site within 1 mile does meet the regional EJ case criteria set forth in the "Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case" (June 1998). In Ohio, the low-income percentage is 26 % and the minority percentage is 13%. To meet the regional EJ concern case criteria, the area within 1 mile of a Site must have a population with twice the State low-income percentage or twice the State minority percentage. That is, the area must be at least 52% low income or 26% minority. Here, within 1/10 of a mile of the Site, the low income percentage is 68.5% and the minority percentage is 0%.

The Bowers Battery Site is the former location of the Bowers Battery and Spark Plug Co. which manufactured batteries and spark plugs until the mid 1960s. The residential properties affected on 5th Street N.W. were also part of the Bowers property when it was in operation. The 5th Street properties were converted to residential in the 1970s. The 437-453 Park Avenue property is now owned by the Veteran of Foreign Wars (VFW) Club and most of the property is now a parking lot.

In early September 2000, the resident of 463 5th Street N.W. was preparing a portion of his backyard for a new garden when he uncovered parts of auto batteries at about a 12 inch depth. The local Health Department was notified, who in turn notified the Ohio Environmental Protection Agency (Ohio EPA). The Ohio EPA collected four samples on September 20, 2000, which upon analysis showed between 7,200 and 47,800 parts per million (ppm) total lead in the excavated area. Ohio EPA then referred this Site to the United States Environmental Protection Agency (U.S. EPA) on October 30, 2000. An integrated assessment was started on October 31, 2000, with the U.S. EPA and the Superfund Technical Assessment and Response Team (START) contractor collecting additional samples and the Ohio EPA supplying a field laboratory to perform field screening for lead with an XRF analyzer. U.S. EPA had the START perform a 20% confirmatory sample analysis. These analyses confirmed that a substantial portion of the properties at 437-453 Park Avenue N.W., 467 Park Avenue N.W., 463 5th Street N.W. and 467 5th Street N.W. have lead contamination at levels greater than 400 ppm and as high as 56,000 ppm.

Based on these analyses, the U.S. EPA has estimated that approximately 3,000 cubic yards of contaminated soil may be present at the Bowers Battery Site. Continued direct contact threats are posed by the Site because most of this contamination is present at the surface.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Bowers Battery Site constitute an imminent and substantial danger to public health and welfare or the environment based upon the considerations set forth in the National Contingency Plan (NCP), 40 CFR Section 300.415(b)(2) which include, but are not limited to, the following:

- i. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;**

The Bowers Battery Site is situated in a mixed residential and commercial area. The area of contamination is unfenced, uncontrolled, and readily accessible by human and animal populations. Analytical results indicate that high levels of lead are present in surface soils and buried waste. Some of the samples collected indicate that the levels of TCLP lead present in the waste and surrounding soils exceeds the RCRA regulatory limit of 5 mg/L.

- ii. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;**

Surficial soil samples collected during U.S. EPA's assessment of the Site indicated the presence of lead well above direct contact level of concern of 400 ppm. Most of the surface samples in the area of contamination range from 400 ppm to 56,000 ppm with an average surface level in the 2,000 to 4,000 ppm range. There are no controls in place to prevent migration of these hazardous substances, nor are there any deterrents for humans or animals to track surficial contaminants off Site. Numerous human receptors are located within a mile of the Site.

IV. ENDANGERMENT DETERMINATION

Until the contamination presently located at the Site is removed and disposed of, the threats posed by the presence of hazardous substances, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health and welfare and to the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. PROPOSED ACTIONS

1. Proposed Action Description

The following actions must be completed to alleviate the potential and actual threats to human health and the environment posed by the hazardous contaminants at the Bowers Battery Site:

- o Establish Site control/security;
- o Establish and implement a Site health and safety plan;
- o Establish a Site command post and control zones;
- o Conduct invasive test excavations to determine more completely the extent of subsurface contamination on Site;
- o Excavate, treat (if necessary, and to meet RCRA land disposal restriction treatment standards as necessary), transport, and properly dispose of (in accordance with U.S. EPA's Off-Site Rule) an estimated 3,000 cubic yards of lead-contaminated waste and heavily-contaminated soil. Residential properties will have a cleanup level of 400 ppm for lead and the parking lot of the VFW will have a cleanup level of 1000 ppm for total lead;
- o Conduct confirmatory soil sampling to ensure removal of contamination to proper standards;
- o Backfill and restore the excavation areas; and
- o Assess the surrounding areas to insure that contaminants have not migrated off-site.

All hazardous substances, pollutants, or contaminants removed off site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

The response actions described in this memorandum directly address actual, threatened, or potential releases of hazardous substances, pollutants or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and to the environment. These response actions do not impose a burden on

affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

This work will take an estimated 70 on-site working days to complete. This time frame may be extended if wet weather conditions are not conducive to excavation in this environment. The OSC has begun planning for post-removal site control per the provisions of Section 300.415 (I) of the National Contingency Plan (NCP). The nature of this site, however, is such that post-removal site control is unlikely to be necessary.

2. Applicable or Relevant and Appropriate Requirements (ARARS)

A letter requesting the identification of state ARARS was sent to Mr. Kevin Clouse of Ohio EPA on December 19, 2000. Any State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

B. ESTIMATED COSTS

The detailed Emergency Rapid Response Contractor (ERRS) costs projected to be necessary for project completion are presented in Attachment 1, with the estimated project costs presented below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

| | |
|---------------------------------|--------------------|
| Cleanup Contractor Costs | \$ 828,800 |
| 20% Contingency | <u>165,800</u> |
| Subtotal | \$ 994,600 |
| Total START | <u>140,000</u> |
| Extramural Subtotal | \$1,134,600 |
| 15% Extramural Contingency | <u>170,000</u> |
| TOTAL, EXTRAMURAL COSTS: | \$1,304,600 |

INTRAMURAL COSTS:

| | |
|--|--------------------|
| U.S. EPA Direct Costs | 49,500 |
| \$30 x [(1,500 Regional hours) + 150 HQ hours] | |
| U.S. EPA Indirect Costs | <u>97,500</u> |
| \$65 x (1,500 Regional hours) | |
| TOTAL, INTRAMURAL COSTS: | \$ 147,000 |
| | ===== |
| TOTAL REMOVAL PROJECT CEILING | \$1,451,600 |

VI. EXPECTED CHANGE IN THE SITUATION SHOULD NO ACTION BE TAKEN OR ACTION DELAYED

Delayed or no action will increase the potential of the ignitable and toxic hazardous substances to ignite or release, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this Site.

VIII. ENFORCEMENT

For administrative purposes, information concerning confidential enforcement strategy for this Site is contained in the Enforcement Addendum.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Bowers Battery Site in New Philadelphia, Tuscarawas County, Ohio, 44663, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site (see Attachment 2).

Because the conditions at the site meet the NCP, Section 300.415(b)(2) criteria for a removal action, I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$1,451,600. Of this, an estimated \$1,164,600 may be used for extramural cleanup contractor costs. Please indicate your decision by signing below.

APPROVE: William E. Muno DATE: 2/7/01
William E. Muno
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
William E. Muno
Director, Superfund Division

Enforcement Addendum

Attachments:

1. Detailed Cleanup Contractor Estimate
2. Administrative Record Index
3. Region V EJ Analysis

cc: C. Beasley, U.S. EPA HQ, 5202G
M. Chezik, U.S. Department of Interior, **w/o Enf. Addendum**
K. Clouse, OEPA, **w/o Enf. Addendum**
Donald R. Schregardus, OEPA, **w/o Enf. Addendum**

BCC PAGE

REDACTED

NOT RELEVANT TO THE SELECTION OF REMOVAL ACTION

ENFORCEMENT ADDENDUM

**REDACTED
(2 PAGES)**

NOT RELEVANT TO THE SELECTION OF REMOVAL ACTION

ATTACHMENT 1

**DETAILED ERRS COST PROJECTION ESTIMATE
BOWERS BATTERY SITE
NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO
JANUARY 2001**

| | |
|--------------------------------|------------------|
| Mobilization | \$ 43,200 |
| Waste Excavation | \$149,100 |
| Transportation & Disposal | \$589,100 |
| Assessment of Surrounding Area | <u>\$ 47,400</u> |
| TOTAL | \$828,800 |

INDEPENDENT GOVERNMENT COST ESTIMATE

**REDACTED
(2 PAGES)**

NOT RELEVANT TO THE SELECTION OF REMOVAL ACTION

ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTIONADMINISTRATIVE RECORD
FOR
BOWERS BATTERY SITE
NEW PHILADELPHIA, TUSCARWARAS COUNTY, OHIOORIGINAL
JANUARY 16, 2001

| <u>NO.</u> | <u>DATE</u> | <u>AUTHOR</u> | <u>RECIPIENT</u> | <u>TITLE/DESCRIPTION</u> | <u>PAGES</u> |
|------------|-------------|-------------------------------------|--------------------------|--|--------------|
| 1 | 10/25/00 | DLZ Laboratories, Inc. | Ohio EPA | Analytical Report for the Bowers Battery Site | 83 |
| 2 | 10/30/00 | Clouse, K., Ohio EPA | El-Zein, J., U.S. EPA | Letter re: Ohio EPA's Request for U.S. EPA Assistance at the Bowers Battery Site | 1 |
| 3 | 12/15/00 | Ecology and Environment, Inc. | U.S. EPA | Site Assessment Report for the Bowers Battery Site | 54 |
| 4 | 00/00/00 | Fredle, J., U.S. EPA | Muno, W., U.S. EPA | Action Memorandum: Request for a Time Critical Removal Action at the Bowers Battery Site (PENDING) | |

Region 5 Superfund EJ Analysis

Bowers Battery Site New Philadelphia, OH

